

**IN THE UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF OKLAHOMA**

**UNITED STATES OF AMERICA,**

**Plaintiff,**

**v.**

**SHAUNI BREANNE CALLAGY,**

**Defendant.**

**Case No. 21-CR-102-CVE-4**

**Joint Motion for Continuance of Events in the Scheduling Order**

The United States, by and through Assistant United States Attorney Thomas E. Duncombe, and the defendant, by and through defense counsel Steven Stidham, jointly move the Court to continue by 30 days the events in the current scheduling order. (Dkt #27). In support of this motion, the parties state as follows:

Callagy's initial appearance on the Indictment took place on April 15, 2021. (Dkt. #18). Since Callagy's initial appearance, the government has produced discovery pursuant to a protective order, and the parties have engaged in good-faith negotiations about a possible pretrial resolution of the charges Callagy is facing. The parties continue to negotiate in good faith. Under the current scheduling order, the case is set for pretrial conference on May 26, 2021 and jury trial on June 21, 2021. (Dkt. #27). Callagy is detained pending trial. The parties have not previously requested a continuance in this case.

Counsel for the government has spoken with counsel for Callagy prior to filing this motion. Callagy's counsel indicated that Callagy would join in the motion. He stated

that Callagy would execute a waiver of speedy trial for the thirty-day period requested in this motion and file that waiver with the Court.

In light of the above, the parties request a 30-day continuance of the dates in the scheduling order, including the pretrial conference date currently scheduled for May 26, 2021 and the jury trial date currently scheduled for June 21, 2021. The parties urge the Court to balance the appropriate considerations in favor of granting a continuance in the interest of justice. *See United States v. Toombs*, 574 F.3d 1262, 1269, 1273 (10th Cir. 2009).

The Speedy Trial Act provides that certain “periods of delay shall be excluded . . . in computing the time within which the trial of any such offense must commence.” 18 U.S.C. § 3161(h). Among those periods of delay excluded are periods “resulting from a continuance granted by a judge . . . if the judge granted such continuance on the basis of his findings that the ends of justice served by taking such action outweigh the best interests of the public and the defendant in speedy trial.” 18 U.S.C. § 3161(h)(7)(A). Among the factors a judge shall consider in making this determination are “whether the failure to grant such a continuance in a case . . . would unreasonably deny counsel for the defendant, or the attorney for the Government the reasonable time necessary for effective preparation, taking into account the exercise of due diligence.” 18 U.S.C. § 3161(h)(7)(B)(iv). Additionally, pursuant to 18 U.S.C. § 3161(h)(7)(B)(i), the Court may grant a continuance to avoid a miscarriage of justice.

Part of the parties’ ability to engage in “effective preparation” of this case is engaging in talks about how to resolve the case pre-trial. 18 U.S.C. § 3161(h)(7)(B)(iv).

Allowing the parties to continue working towards a resolution is in the interests of justice and judicial economy. Accordingly, the parties jointly request a continuance of the events in the scheduling order in the interest of justice, for the above-stated reasons and for no improper reason.

WHEREFORE, the Court should grant this joint motion for a 30-day continuance of the events in the scheduling order, including the May 26, 2021 pretrial conference date and the June 21, 2021 trial date.

Respectfully submitted,

CLINTON J. JOHNSON  
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**CERTIFICATE OF SERVICE**

I hereby certify that on the 21<sup>st</sup> day of May, 2021, I transmitted by electronic mail the foregoing SEALED document to the following recipient:

Craig M. Hoehns  
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/s/ Thomas E. Duncombe  
Thomas E. Duncombe  
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